

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MAURICIO ANTIONIO)
ALVARENGA and GLADYS)
FUENTES,)

Petitioners,)

v.)

Civil Action No.
05-11390-JLT

EDUARDO AGUIRRE, JR., Director)
United States Citizenship and)
Immigration Service, and)
MICHAEL CHERTOFF, Secretary,)
Department of Homeland Security,)

Respondents.)

MOTION TO VACATE THE DISMISSAL FOR LACK OF JURISDICTION

Pursuant to Fed. R. Civ. P. 60(b), the Respondents move to vacate the dismissal of this action for lack of subject matter jurisdiction.

In support of the motion, the Respondents submit the attached memorandum of law.

Wherefore, the Respondents respectfully request that the dismissal for lack of subject matter jurisdiction be vacated.

Respectfully submitted,
MICHAEL J. SULLIVAN
United States Attorney

/s/ Mark J. Grady
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Certificate of Compliance

I hereby certify that I attempted to contact counsel for the Plaintiff by phone on August 8 and 9, 2005 but was unable to reach him. I also emailed counsel on August 9, 2005.

/s/ Mark J. Grady
Mark J. Grady, Assistant U.S. Attorney